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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,661

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EXAMINER

CZEKAJ, DAVID J

ART UNIT

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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/002,661	<b>Applicant(s)</b> SUGIYAMA ET AL.	
	<b>Examiner</b> DAVID CZEKAJ	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/08 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4-7 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory

category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. It is unclear what performs the detecting, receiving, and performing processes in the inventive step.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanco et al. (6493041), (hereinafter referred to as "Hanco") in view of Matsumura et al. (US 5,835,144) in further view of Machino et al. (4719620), (hereinafter referred to as "Machino") in further view of Kim et al. (5533138), (hereinafter referred to as "Kim").

As for Claim's 1 and 4, Hanco teaches an input means for inputting the input data (Hanco: figures 1-2), start detecting means for detecting the start of the predetermined unit of the input data, in which the predetermined unit corresponds to a frame (Hanco: column 8, lines 23-40, wherein the digitizer detects the start of the frames), means for receiving a frame end signal indicative of the end of a number of frames (Hanco: column 8, lines 45-50), and end detecting means for detecting the end of a respective frame based on the frame end signal wherein data received after the frame end signal and before the start of a next frame is not processed and is designated invalid (Hanco: column 8,

lines 45-67; column 10, lines 8-15, wherein the synchronization signal indicates the end of the frame). However, Hanko fails to disclose the signal processing and frame processing as claimed. Matsumura teaches that it would be desirable to reduce data substitution through the use of self-resynchronizing variable length codes (Matsumura: column 1, lines 39-42). To help alleviate this problem, Matsumura discloses signal processing means for making an action on the variable length code active at the start detected by the start detecting means (Matsumura: Column 8, lines 38-64), for making the action on the variable length code inactive at the end detected by the end detecting means (Matsumura: Column 10, lines 51-59; Column 9, lines 35-50), initializing the state of the action on the variable length code at the end detected by the end detecting means (Matsumura: Column 6, lines 55-65), and receiving a frame end signal that has been generated based on the header information (Matsumura: column 4, line 30-column 5, line 44, wherein the end of frame code is the end of block (EOB)). Machino teaches that there is a need in the art to avoid collisions (Machino: column 1, lines 10-24). To help alleviate this problem, Machino discloses when the start of the frame is not detected, data received is designated invalid allowing immediate processing of the next frame thereby eliminating invalid data and reducing further lost data (Machino: column 3, lines 43-50, wherein the start of frame is the frame-start signal, wherein if the signal is not detected, the next frame is immediately processed) and signal based on the start code (Machino: figure 5, wherein the signal is the signal on the bus). Kim teaches that during

coding, a complicated portion of an image requires a large amount of bits (Kim: column 1, lines 42-45). To help alleviate this problem, Kim discloses “the level of an enable signal is set high indicating valid data and low indicating invalid data once a frame end signal is detected” (Kim: column 5, lines 25-35, wherein the enable signal is the sync signal. Since the sync signal indicates one block, it will be altered between a high and low level at the start and end of the blocks, thus indicating the valid (data of the block) and invalid (data after the block) data). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Hanko and add the processing taught by Matsumura, Machino, and Kim, in order to obtain an apparatus the produces accurate results.

As for Claim 2, Hanko teaches the input data comprises MPEG data (Hanko: column 2, lines 45-46).

As for Claim's 3 and 5, although not disclosed, it would have been obvious to record the output data (Official Notice). Doing so would have been obvious in order to save the data for future use.

As for Claim 7, many of the limitations have been addressed in the above rejections. In addition, Matsumura et al. teach suspending processing for a period of time, the period of time being from the end of frame data to a subsequent start signal, when an error is detected (Matsumura: Column 8, line 65 to Column 9, line 29), detecting a start code for a corrected stream of data

(Matsumura: Column 9, lines 26-29), and re-initiating the processing step as a function of the detecting step (Matsumura: Column 9, lines 26-57).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanks et al. (6493041), (hereinafter referred to as "Hanks") in view of Matsumura et al. (US 5,835,144) in further view of Machino et al. (4719620), (hereinafter referred to as "Machino") in further view of Kim et al. (5533138), (hereinafter referred to as "Kim") in further view of Ching et al. (US 3,971,888).

As for claim 6, Hanks in view of Matsumura et al. in view of Machino in view of Acampora fail to specifically teach where the means for receiving includes a flip-flop circuit, but Ching et al. does (Ching: Column 15, lines 4-37). Since the flip-flop circuit can be used to control how the signal is received by energizing and de-energizing the circuit, it would have been obvious to one of ordinary skill to use a simple flip-flop circuit or any other type of circuit that would be capable of controlling when the circuit is energized or not in order to control when the signal is received.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/  
Examiner, Art Unit 2621